

ORDINANCE NO. 672

**AN ORDINANCE REPEALING CHAPTER 22 OF THE LAS ANIMAS MUNICIPAL CODE  
ENTITLED WATER AND RE-ENACTING SAME**

**WHEREAS**, the Las Animas City Council has determined that Chapter 22 of the Las Animas Municipal Code is incomplete and outdated in its present form; and

**WHEREAS**, the city Council has determined that it is in the best interests of the citizens of Las Animas to revise said Chapter 22,

**NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS, COLORADO, that Section 22 of the Las Animas Municipal Code is hereby repealed and re-enacted as follows:

**CHAPTER 22 -- WATER\***

**SECTIONS:**

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**Sec. 22-1. Definitions**

For the purpose of this chapter certain terms and words are defined as follows:

Words used in the present tense include the future; words used in the singular number include the plural and words in the plural include the singular; the word "shall" is mandatory and not directory; words in the masculine gender include the feminine gender.

- (a) "City" means the city of Las Animas, Colorado.
- (b) "Consumer" means the individual, business or other unit being served through the city water system.
- (c) "Distribution main" means any water main carrying treated water and which is tapped by service pipes. Such mains may also serve fire hydrants.

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- (d) "Service pipe" means any pipe tapped onto a main and extending from the main to and across the customer's premises to the structure served.
  - (e) "Superintendent" means the Director of Public Works and/or his duly authorized agents.
  - (f) "Water distribution system" means that network of water mains within the city which supply treated water to its various points of use. These mains shall be owned and maintained by the city.
  - (g) "Water tap permit" means a license granted by the city which allows a consumer the privilege of procuring water service by tapping onto the water system.
- (Ord. No. 474.)

**Sec 22-2. Superintendent of water.**

- (a) The superintendent of water, under the direction of the city council and water board, shall have charge of the water system. The superintendent shall inspect and approve all plumbing work done in connection with the water system.
  - (b) Repealed.
- (Ord. No. 474; Ord. No. 587, § 1.)

**Sec. 22-3. Authority of the city.**

- (a) The city reserves the right to tap all mains and place service pipes to line of curbing; provided, that no tap of any main shall be made unless written application for water service is made by customer to the city clerk accompanied by tap fee.
- (b) All water service shut off or turned on shall be performed by city employees during regular working hours. Any water turned on by other than authorized service personnel shall incur a tampering fee and be charged and billed from the original date of shutoff.
- (c) The service charge for turning water off and on shall be set by city council resolution.
- (d) The city reserves the right to cause the water to be shut off from the mains when necessary for repairs, making connections or extensions or doing any other necessary work. The superintendent shall notify as many as possible of those consumers affected when any part of the water system is "valved out" or shut off for purposes of repairing a break in a water main or in an uncontrollable water pipe. Such notification shall not be mandatory in a case of emergency where the magnitude of water loss may be such as to imperil the supply of water storage needed for fire fighting or domestic use. No claim shall be made against the city on account of shutting off the water from the main or for the breaking of any service pipe or fixtures connected thereto.
- (e) The city shall have the right to enforce payment of any charges due it, by appropriate legal action in any court.
- (f) Water shall not be turned on in any house or private service line except upon the order of the superintendent, after the property owner has paid all arrearages and charges due, including delinquent payment charges.
- (g) The use of water from the water system for lawn sprinkling purposes may be prohibited or restricted by order of the superintendent. Such order shall be effective when notice is published once in a weekly newspaper.

(Ord. No. 474.)

**Sec. 22-4. Unauthorized use.**

- (a) It shall be unlawful for any person to interfere with, tap or open any water main, water pipe, pump, hydrant, engine, boiler, house fixture or appurtenance of the city water system without first getting written permission of the superintendent.
- (b) It shall be unlawful for any person having the lawful right to use water from the city water system to permit persons having no right to the use of water, to use the same. It shall be unlawful for any

person not having the right to use water to use the same, or for any person having the right to use water on certain lots to use water from the water system on other lots to which such person has no right to use water from the water system, or permit it to be done. This shall not apply to public use of water from any public hydrant.

- (c) It shall be unlawful for any person to turn on the water from any water main after the same has been turned off by city officials without the written consent of city officials. The fact that water has been turned off by city officials and is found to have been turned on again shall be prima facie evidence of the guilt of the owner or occupants of such premises. Appropriate tampering fees shall apply.

(Ord. No. 474.)

**Sec 22-5. New construction.**

- (a) When a subdivider or other person doing the construction finds it necessary to construct water lines through undeveloped areas or areas not served by water lines in order to serve a platted subdivision or other property, the entire cost of such water lines shall be paid by the subdivider or person constructing the same. As the property abutting such water lines is developed and connections are made to the same, the city may collect a charge per front foot based upon the original construction cost and, if so collected, shall reimburse the original subdivider or constructor to the extent of the collection so made; provided, however, that in no event shall such reimbursement exceed the total cost of the water line. A subdivider's or constructor's right to reimbursement shall terminate seven years after execution of the water line extension contract.
- (b) Water used for the purpose of building construction shall be delivered through a standard meter installation and billed to the building contractor on the same basis as any other water user.
- (c) Peripheral distribution mains abutting a development shall be designed to extend the full length of the developer's property.
- (d) The city shall reimburse a developer for the cost of the incremental size increase of a transmission main which is in excess of the cost of such a main sized only to meet the needs of the developer's project provided the pipeline design has been approved by the superintendent and that such expenditure has been approved by city council.
- (e) Any new lines, including mains and those from the main to the meter, shall be the responsibility of the owner to maintain for one year from the date of construction before the city takes over maintenance.

(Ord. No. 474.)

**Sec. 22-6. Initial connection and specifications**

- (a) All service lines from the distribution main to the property line or to the meter shall be installed by the city and shall be maintained by the city.
- (b) All service pipes shall be laid under the supervision of the superintendent and shall be of soft Type K copper or at least schedule 40 PVC from main to meter, of such gauge as to withstand a hydrostatic pressure of not less than one hundred fifty pounds per square inch. The lines shall be laid sufficiently waving to allow for not less than one to one-half feet extra length, and in such a manner as to prevent rupture by settling. Service pipes shall have a depth of bury not less than four feet below the established grade. Pipes of a diameter of four inches or more shall be of high grade PVC (AWWA C900) from the main to meter.
- (c) Unless otherwise permitted by the superintendent, stop cocks shall be placed in the service pipe between the curb line and the property line and shall be accessible by a curb stop box leading from the top of the stop cock to the surface of the ground and of suitable size to admit a stop key for turning on and off the stop, and protected by a metallic cover. It is recommended that a stop cock or its equivalent shall be placed in the service pipe of all buildings at or near the point of entry of

the pipe into the building. Corporation cocks shall be installed in the city mains by the superintendent. The stop cocks and the stop box with lid shall be furnished by the city. Stop boxes shall be kept in good repair and free from any material which could prevent the use of a stop key. Meter yoke with shutoff valve shall be used in place of a stop cock wherever feasible. Meter, yoke, and meter pit up to ¾" are to be furnished by the city and are included in the cost of the water tap fee. Any taps larger than the standard ¾" will be charged a tap fee and a meter fee to cover the extra cost of the larger meter.

- (d) All potential backflow and cross connections must follow the adopted backflow prevention/cross connection ordinance #620.
- (e) When a consumer requests a larger or smaller water tap than he already has, he shall be charged the installation fee commensurate with the size tap requested.
- (f) Water fill station. The City of Las Animas maintains an automated bulk water fill station. This station is available for contractors, etc. to load large mobile tankers at the adopted fee schedule.
- (g) Hydrant meter rental. The City of Las Animas allows water to be purchased utilizing a City fire hydrant. The customer must agree to leave a \$200.00 deposit, plus purchase water through a city owned backflow prevention device and water meter. Bulk rates apply.

(Ord. No. 474.)

**Sec. 22-7. Owner maintenance.**

- (a) The owners of real property shall be considered consumers of water delivered by the city to their property and shall be held liable and responsible for the payment of any and all charges accruing for such water services.
- (b) The owner of any premises to which water shall be delivered shall keep all fixtures and pipes from the meter or property line whichever is closer to the main to the premises, and inside the premises, in good repair.
- (c) Minor leaks or breaks in the service pipe from the meter or property line to the premises shall be repaired by the property owner within seventy-two hours from the time of notification of such condition by the superintendent. If satisfactory progress toward repairing such break has not been accomplished within seventy-two hours, the superintendent may shut off the water to the premises until the leak or break has been repaired. Major leaks or breaks shall be subject to immediate repair, and if the owner fails to respond promptly in making the repair, the superintendent shall cause the leak to be repaired and the cost shall be billed to the property owner. It shall be lawful for any consumer who has the right to use the city water to turn the water off and/or on for the purpose of making repairs or while on vacation.

(Ord. No. 474)

**Sec. 22-8. Meters.**

- (a) On metered services the meters are to be controlled and maintained by the city. The size of each meter is to be determined according to the needs of the consumer. The city shall have the right to enter the premises to read, inspect, repair and remove the meter. The consumer shall cooperate in the location of the meter so as to be convenient to access for reading and repairing. The consumer is encouraged to cooperate in preventing freezing of meters.
- (b) If a meter has to be removed because of unlawful use of water, tampering with, or damaging the meter, all repair costs plus a service charge set by city council resolution shall be assessed.
- (c) It shall be the duty of the superintendent to see that all water furnished by the city shall be delivered through and measured by meters. All water meters used in connection with the water system shall be of standard manufacture and approved by the superintendent. All property owners on whose premises meters are installed shall be held responsible for their safekeeping and for any and all injury to the meters from external sources. The superintendent shall have the right to test

any water meter at any time. All water meters shall be the property of the city and shall be maintained by the city.

- (d) With the consent of the city council, individual meters need not be supplied and billing may be maintained through a master meter for each building within a multiple dwelling unit development or multiple occupancy commercial or industrial building. (Ord. No. 474.)

**Sec. 22-9. Users outside the city limits.**

- (a) Rates on water sold outside the city limits shall be double the rates charged inside the city limits.
- (b) All consumers outside the city limits shall agree, when accepting service from the city, to follow the rules and requirements that apply to the consumers within the city limits.
- (c) As of October 12, 1978, any property owner outside the city limits who desires inclusion in the city water system and whose property is eligible for annexation to the city must petition the city to annex the serviced property before the taps will be approved. Those outside the city limits who are not eligible for annexation must have city council approval before tapping onto the city water system.

(Ord. No. 474.)

**Sec. 22-10. Rates and billings.**

- (a) All rates for water and water service furnished by the city within and without the city shall be those established by the city council by resolution and collected by the city clerk monthly.
- (b) All consumers are invited to review their files used for billing. It shall be the responsibility of the consumer to notify the city of any charges in services. If discontinuance notification is given after the meter is read, the consumer shall pay the monthly charge for that full month.
- (c) In the event of failure to obtain meter readings whether due to error or failure of equipment, billing charges shall be the average of previous readings obtained. In the event of under-payment or over-payment, the corrected amount will be billed or credited.

(Ord. No. 474.)

**Sec. 22-11. Delinquent accounts.**

- (a) If the monthly bill is not paid within thirty days of the billing date, the consumer shall be notified once. If the bill remains unpaid for another ten days, water service shall be discontinued without further notice.
- (b) Water shall not be turned on in any house or private service line except upon the order of the superintendent after all arrearages and charges due have been paid.
- (c) In case of delinquent accounts on non-owner occupied residences, the property owner shall be given an additional thirty days' notice before service will be discontinued.

(Ord. No. 474.)

**Sec 22-12. Waterworks operating fund.**

There is hereby created a fund to be known as the waterworks-operating fund. All the proceeds and revenue derived from water taxes, rents, tolls, service charges and rates, including the plumbing and tapping of mains and laying and connecting of supply pipes thereto by reason of the operation of the waterworks of the city, shall be credited to the waterworks operating fund and shall be applied to the following uses and purposes:

- (a) To defray the current operational and maintenance expenses of such water works.
- (b) For the extension of the mains of the waterworks and making such improvements and additions thereto whenever, in the opinion of the city council, such extensions, improvements and additions shall be necessary and expedient and shall have been ordered by the city council.

(Ord. No. 474.)

**Sec. 22-13. Waterworks depreciation fund.**

- (a) There is hereby created a waterworks depreciation fund. At the end of each fiscal year the city council by resolution may transfer from the balance in the waterworks-operating fund to the waterworks depreciation fund such amounts as it deems advisable.
- (b) Money in the waterworks depreciation fund shall be applied to the uses and purposes specified in subsection (b) of section 22-12, and upon resolution of the city council for the uses and purposes specified in subsection (a) of section 22-12.
- (c) After the depreciation fund is established, the city council, by resolution, may transfer remaining funds in such amounts as it deems advisable to the general fund of the city.

(Ord. No. 474.)

**Sec. 22-14. Water board – Established.**

A water board is hereby established to function until such time as said water board may be dissolved by action of the city council. (Ord. No. 496, § 1.)

**Sec. 22-15. Same – Membership.**

The water board shall be composed of the following members who shall serve terms as indicated:

- (a) Mayor of the city, term of office;
- (b) Chairman of the city council committee on water works, term of office;
- (c) Four citizens of Las Animas at large who shall be qualified electors and real property taxpayers, not holding any office in the city government or employed by the city government. Said four members-at-large shall be appointed by the mayor, subject to the approval of the city council, for terms of four years in length. Present members of the water board appointed by the council and serving under Resolution No. 1-64 shall serve out their terms as appointed.

(Ord. No. 496, § 2.)

**Sec. 22-16. Same – Chairman.**

The water board shall elect a chairman from among its members and shall adopt such rules of procedure as may be necessary to carry out its function.

(Ord. No. 496, § 3.)

**Sec. 22-17. Same – Powers and duties.**

The city council hereby delegates the following powers and authority to the water board:

- (a) To study long-range requirements of the water and sanitation system of the city to determine the necessity for expansion of the system, acquisition of water resources, construction of new facilities and major improvements to existing facilities, and to make recommendations thereon to the city council;
- (b) To negotiate with and obtain the services of engineers, attorneys, and other qualified professional and scientific consultants as required to develop its studies and recommendations;
- (c) To negotiate for the sale of water and sewer taps outside areas with current commitments, in accordance with established policies;
- (d) To study rate and tap fee schedules and to recommend rate revisions necessary to meet changing conditions;
- (e) To determine financing required for normal operation, expansion of facilities and capital improvements, and to make recommendations to the city council both for maintenance and operation and for capital construction;
- (f) To keep the city council informed on all policy matters pertaining to the water and sanitation department;

- (g) Within the annual budget adopted by the city council to provide supervision for the management and maintenance of the water and sewer department which shall include the operation and maintenance of water and sewer plants, lines, appurtenances, meter reading, billing and collecting, keeping of records, and preparation of reports; provided, however, that said commission shall first obtain approval of the city council before entering into any contractual agreement for construction of plant or facilities; purchase of water rights or real property, sale of water, or unusual expenditures not authorized in the annual budget.

(Ord. No. 496, § 4.)

**Sec. 22-80. Sanitation charges.**

Any person, corporation or entity holding an account of water services from the city is responsible to the city and shall be assessed a minimum trash removal collection charge pursuant to Chapter 17 of this code.

(Ord. No. 626, § 3.)

**Sec. 22-81. Same – Application**

- (a) The requirement of Section 22-80, shall apply to all persons or entities availing themselves of any utility services, where the service is provided within the city limits of the city of Las Animas.
- (b) Should any person or entity receiving the services within the city meet the requirements, then that person or entity is required to pay a monthly base service charge for the following:
- (1) Sanitation services (whether those services are used or not).
  - (2) Sewer service (whether a tap has been issued or not).
- (c) Anyone inside city limits must be on the city's sewer system unless the customer has prior approval from the Director of Public Works on instances concerning irrigation purposes where no building exists or sewer service is unobtainable. (Ord. No 626 § 7.)

PASSED on first reading this 10th day of October, 2006.

ADOPTED on second reading this 14th day of November, 2006.

CITY OF LAS ANIMAS, COLORADO



Lawrence Sena  
By: Lawrence Sena, Mayor

Charmaine Tripp  
Charmaine Tripp, City Clerk

